FILED
JUL 11 1969
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

No. 1,089

(Court of Appeals No. 18,206 and 18,207)

BENJAMIN LEVINSON and
FRANKLIN MORTGAGE CORPORATION,
Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR REHEARING

IVAN E. BARRIS
Attorney for Petitioners
2066 Penobscot Building
Detroit, Michigan 48226

Interstate Brief & Record Co., 1036 Beaubien St., Detroit, Michigan 48226
WO. 2-8745—WO. 2-8732

IN THE

Supreme Court of the United States

No. 1,089

(Court of Appeals No. 18,206 and 18,207)

BENJAMIN LEVINSON and
FRANKLIN MORTGAGE CORPORATION,
Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR REHEARING

Now Comes Benjamin Levinson and Franklin Mortgage Corporation, petitioners herein, by their attorney, Ivan E. Barris, and pursuant to Rule 58.2 of the Supreme Court Rules, does petition this Court for a rehearing on their Petition for Certiorari for the following reasons:

1. This Honorable Court has heretofore by its order denied petitioners' Petition for Certiorari on the 16th day of June, 1969.

2. That the petitioners in their Petition for Certiorari had prayed for a Writ of Certiorari directed to the Court of Appeals for the Sixth Circuit, said Court of Appeals having affirmed a judgment of conviction against both petitioners.

3. That petitioners' convictions were predicated in great part on evidence of extra judicial statements made to an F.B.I. Agent by one of petitioners' co-defendants and alleged co-conspirators, who did not himself testify and subject himself to cross-examination; that such procedure was violative of this Court's mandate in *Bruton v. United States,* 391 U.S. 123 (1968) and was certainly not harmless error "beyond a reasonable doubt" so as to avoid reversal (*Chapman v. California,* 386 U.S. 18 (1967)).

4. That this Court should determine whether or not a violation of the Rule enunciated in *Bruton* can ever be harmless error.

5. That the Sixth Circuit Court of Appeals in affirming the judgment of conviction did violate this Honorable Court's mandate in *Bruton v. U.S., supra,* and that for that reason their opinion should be reviewed.

Wherefore, your petitioners pray for a rehearing on their Petition for Certiorari.

IVAN E. BARRIS,
Attorney for Petitioners
2066 Penobscot Building
Detroit, Michigan 48226
WO 2-8210

CERTIFICATE OF ATTORNEY

Ivan E. Barris, attorney for petitioners, does hereby certify that the Petition for Rehearing is presented in good faith and not for the purposes of delay.

IVAN E. BARRIS,
Attorney for Petitioners
2066 Penobscot Building
Detroit, Michigan 48226
WO 2-8210